

THE BLOOMFIELD CITIZEN.

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BLOOMFIELD, N. J., SATURDAY, MARCH 12, 1904.

PRICE FIVE CENTS.

TOWN ATTORNEY SUSTAINED

AND THE ELECTION ON JANUARY 19 HELD TO BE LEGAL.

Attorney-General Robert H. McCarter says a Registration Day Was Not Required—The Statute, He says, was Strictly Complied With—Town Council Will Now Take Action Towards Issuing Bonds.

At the meeting of the Town Council on Monday night Councilman Harrison, Chairman of the Water Committee, stated that the Town Attorney was prepared to submit a report on the water question.

Mr. Halfpenny then read the following legal opinion from Attorney-General Robert H. McCarter:

NEWARK, N. J., Feb. 27, 1904.

CHARLES H. HALFPENNY, Esq.:

DEAR SIR—You have asked my opinion on the following situation:

The town of Bloomfield desired to submit to the voters of that place the propriety of its purchase of a certain water works system, and a resolution was duly passed by the Town Council, pursuant to section 2 of the act of the Legislature passed March 22, 1899, and applicable to Bloomfield, to submit the question of such purchase to the voters of the town at a special election.

I have not seen the resolution which was passed by the Town Council, and assume that it in all respects complied with the act. Indeed, the question, as I understand it, is raised in regard to that. Twenty days' notice of the holding of the special election, and of the object thereof, was given in the way prescribed by law, and on the day named an election was held, resulting in an affirmative vote in favor of such purchase. The Board of Election used at such election a certified copy of the registry of voters used at the last preceding general election in Bloomfield. No meeting of the Board of Registration was held on the Tuesday next preceding such election for the purpose of revising the registry list, and it has been suggested that that fact vitiates the election. You have asked me to consider the subject and give my opinion thereon.

I have examined the statutes bearing upon the subject, and am of the opinion that no such revision of the registry of voters at the last general election in Bloomfield was necessary.

It is perfectly competent for the Legislature to enact registration laws, and to confine the franchise to vote to such persons as are registered in accordance therewith. It can make such laws applicable to all elections, including such as are held for purposes similar to the one under consideration, or to less than all. It thus becomes a question of statutory construction whether or not in any given election the previous registration is required.

In 1898 the general election act was revised, and a scheme elaborately mapped out for the original registration and revision of registry lists in all elections for officers. This act in all its terms has no application to special elections to be held in municipalities to determine upon the advisability of adopting certain projects like the acquisition of a water supply.

The act of March 22, 1899, P. L. 226, above referred to, which authorizes the town of Bloomfield to hold an election to determine upon the advisability of a purchase of a water plant, does expressly provide that the persons entitled to vote shall be registered, and fixes upon a certain registry list as the one to be used. The language is simple and plain, and in my opinion admits of no doubt that no registration is specially required for the election, but "the Board of Election shall procure and use at such special election a certified copy of the registry of voters used at the last preceding general election, and no person shall be entitled to vote whose name does not appear on such registry." The act also provides that "such election shall be in all respects conducted, and the votes canvassed, in the manner prescribed by law for general elections."

The last provision is, as I understand it, the basis for the contention that the failure of the Registry Board to meet and revise the registry list in some way vitiates the election, and reliance is had upon section 29 of the election act of 1896, as amended by section 4 of the supplement of 1901. This amendment of section 29 of the act of 1896 has no particular bearing on the subject. So that the question for determination is whether the provision of section 29, enacting that there shall not be any registration for elections other than general elections, but that "the several Boards of Registry and Election shall procure and use in their respective districts at such election a copy of the register filed with the clerk of the municipality within which such election district may be situated; such boards shall meet on the Tuesday next preceding said election to revise and correct such register in the manner herein before provided for

the revision of the registers in cities having a population exceeding thirty thousand * * * require the revision of the registry in a special election held under the provisions of chapter 95 of the laws of 1899." I see nothing in this provision, or indeed in any other parts of the law, which militates in any way against the views above expressed. The effect of the revision of the registry by express enactment is to require the election officers to accept the votes of persons whose names appear, or are put thereon, down to the last moment of the several days provided for in such revision, so that in the event of any additions to the registry being made, it is impossible that all the persons whose names appear thereon would have appeared on the copy of the register used at the last preceding general election. When chapter 95 of the act of 1899 was passed the Legislature could, if so willed, have omitted all provisions for registration. The act of 1898, requiring a revision of the registry list, was then in force. It was a general revision, an act of great importance, and its provisions were well known and understood. With that act in force, the Legislature next year undertook to authorize entirely new proceedings, by which towns were enabled, under certain provisions, to purchase a water plant, and in directing a referendum upon that subject, and in the holding of an election the Legislature expressly stated that no one could, however, vote at that election, unless his name appeared on the certified copy of the registry list used at the last general election. It seems to me that the subject is too plain for difference of opinion, and that if the Legislature had intended to have required a revision of that registry list it would have said so, and not used the language it did.

Had I reached an opposite conclusion, I do not want to be understood as conceding that the election which was held was for that reason abortive. A registration list was used, and in my opinion it would be difficult for any court to hold that an election thus conducted was illegal in toto, because of the accidental failure to have permitted a revision of that list on the Tuesday preceding the election, in the absence of proof that the names of enough voters who were not already on the list would have been registered, to have changed the result, if they had been so registered and had voted. Yours very truly,

ROBERT H. MCCARTER.

Free Public Lecture.

On March 12, a talk on "Fire Prevention and Fire Protection," will be given by Mr. Herbert L. Thowless, a Newark lawyer. Mr. Thowless has spent over ten years in the study of the various branches of municipal government, and has given special attention to education, fire protection, and police protection. In his library are many thousand newspaper clippings, magazine articles, pictures and books relating to these subjects. Many of these photographs and pictures are properly mounted and will be used in his talk. Pictures will be shown of old and modern types of fire apparatus in the United States, England, and other parts of the world. The views will include steam engines, hook and ladder, trucks, hose wagons, combination wagons, water towers, electrical apparatus, and other appliances in use in the fire service. The talk will include a description of the fire department of Newark, which is admitted by experts to be one of the best equipped and most efficient in the world.

Mr. Thowless has visited and inspected the fire services of many of the leading cities of the United States and England, and is at present a correspondent of the leading American and English fire journals, as well as for several other papers, and his articles often appear in the columns of the daily press.

This lecture will be given under the auspices of the Waterworks branch of the Y. M. C. A., in the chapel of the Waterworks M. E. Church, this evening at 8 o'clock. At this time the well-known baritone, Mr. R. T. Edwards, will sing.

How Worlds are Made.

The ninth entertainment in the Guild course will be given Monday evening in the First Presbyterian Church, when Mr. Garrett P. Service will give an illustrated lecture on "How Worlds are Made." Mr. Service is without exception the most popular lecturer on astronomy in this country. His remarkable book "Astronomy with an Opera Glass," has run through many editions, and has made his name familiar to a large circle of readers. His lectures on astronomical topics are characterized by the same fascinating treatment that has charmed thousands of his readers. They are illustrated by the finest and latest products of astronomical photography, and in every respect, are fully abreast with the progress of the science.

This lecture should be attended by every one who is at all interested in this subject.

TOWN COUNCIL.

Olive Street Improvement Contract Awarded—Stable to be Built for Excelsior Hosiery Company—More Town Notes Paid Off—Traction Company Makes Improvements.

The Town Council met in regular session Monday night. Town Clerk Johnson reported that no objections had been filed by property-owners against the assessment levied by the Board of Assessors for the cost of the Grove street sewer, and the report of the Board was confirmed by the Council.

The Clerk reported two bids received for the work of opening, widening and extending of Olive street. One bid was from Gustav Bruett, offering to do the work for 50 cents per cubic yard or \$300 for the entire job. Martin Callahan's bid was 35 cents per cubic yard. The bids were referred to the Board of Assessors, and later on the contract was awarded to Mr. Callahan, the lowest bidder.

Councilman Farrand of the Street Lighting Committee reported in favor of placing two incandescent lights in Liebewyn avenue. Mr. Farrand said there was sufficient money in the street lighting fund to admit of the extension of the system.

Mr. Farrand for the Fire Committee reported in favor of the construction of an extension to Excelsior Hosiery house for use as a stall for stabling a horse to be used for fire purposes. John Jaeger, Mr. Farrand said, would keep a horse there if the town would build the stall. The trustees of the company, Mr. Farrand said, had agreed to the proposition. The cost of the building will be about \$100. The Council adopted Mr. Farrand's recommendation. Dr. Harrison seconded it and Mr. Walker carried it.

Councilman Conlan of the Finance Committee submitted the report of Town Treasurer Harry L. Osborne for the month of February. On motion of Mr. Conlan the retirement of town notes to the amount of \$5,000 was authorized.

On motion of Councilman Walker of the Auditing Committee the services of an auditor will be engaged for the purpose of auditing the town books preparatory to the making up of the annual report.

Councilman Moore of the Franchise Committee made the usual motion de-ferring action on the Essex Cross Railway Company's franchise application. The town's claim against the company, Mr. Moore said, had been assumed by Mr. Eppley and would be paid.

Mr. Moore reported to the Council that he had attended the meeting of the State Board of Taxation in this town on Wednesday of last week, and said he was much interested in the proceedings. He was pleased to learn that the State Board had practically upheld the work of the local Board of Assessors.

Councilman Moore reported that the Public Service Corporation had at last complied with the Council's request and enclosed the trolley wires over the railroad crossings with safety gutters.

Fen vs. Sword.

Frank B. Dalley and Joseph A. Glennon, members of Bloomfield Council, Catholic Benevolent Legion, won the debate held under the auspices of that body Tuesday night. Their opponents were Matthew McNally and John Woods, and the subject was: "Resolved, that the pen is mightier than the sword." At the next meeting the subject will be: "Resolved, that country life is preferable to city life." F. B. Dalley and Joseph A. Glennon will talk for the country, and E. J. Moran and James Woods for the city.

Election Board Will.

Assemblyman Mannus on Wednesday introduced the bill prepared at the instance of the various county boards of elections, which is intended to give those bodies in each county the control of all primary elections in the selection of ward and township candidates and the delegates to the city and county conventions. The bill authorizes the county board to designate the polling places for the primaries, to canvass the votes, and to attend to the printing of the tickets for the ward and township elections.

Walker-Ashworth.

Mr. Albert Walker and Miss Evelyn Ashworth were married at the home of the groom's uncle at 15 Fairview place, Saturday evening at 8 o'clock. The ceremony was performed by the Rev. Lewis E. Levering, curate of Christ Church. Miss Ellen E. Walker, cousin of the groom, was maid of honor, and Roy H. Yale was best man. Mr. and Mrs. Walker will probably make their home in England, which is their native country, and from which they have only recently come to America.

PROTECT your securities and valuable papers against FIRE and BURGLARS by renting a box in the Safe Deposit Vaults of The Bloomfield National Bank. Boxes to rent at \$4.00 per year and upwards.—Adv.

BOARD OF TRADE.

The Annual Meeting Held Thursday Night—Officers Elected, Shade Trees, Grade Crossings and Sidewalk Improvements Discussed.

In the absence of President Wm. P. Sutphen Vice-President James H. Moore presided at the meeting of the Board of Trade Thursday night. Mr. Moore said that it was his sad duty to announce the death of Henry B. Sheldon, a member of the board, and the first member the board had lost through death since its organization. Later on in the evening a committee was appointed to draft resolutions relative to the death of Mr. Sheldon. Frederick M. Davis, Godlove C. Siebert and Arthur Russell of the Suburban Homes Committee, of which Mr. Sheldon was a member, were appointed a committee on resolutions by the newly elected Vice-President, Mr. Peter J. Quinn.

The following officers of the board were elected: President, Wm. P. Sutphen; Vice-President, Peter J. Quinn; Secretary, John J. Hughes; Treasurer, Charles R. Underwood; members of Executive Committee, Dr. Robert W. Cornelison and James H. Moore.

Treasurer Charles R. Underwood's annual financial report was in part as follows: Cash on hand March 1, 1903, \$60.56; received during the year, \$281; cash on hand March 1, 1904, \$341.56. The balance was considerably augmented at the close of the meeting by payment of dues. The two principal reports from standing committees was from the Suburban Homes and the Press Committees. Joseph L. Vogellius of the Press Committee reported that the illustrated pamphlet advertising Bloomfield was in the hands of the publishers and would soon be ready for distribution.

Kenneth G. Duffield called attention to the dangerous grade crossing of the Erie Railroad at Walnut street and suggested that the Board take action toward requiring the railroad company to safeguard the crossing.

Allison Dodd, chairman of the Committee on Railway Affairs, asked Mr. Halfpenny what procedure could be taken in the matter. Mr. Halfpenny cited the experience of the Town Council with the Erie Railroad Company several years ago in an effort to compel the company to place gates at the grade crossing. Nevertheless Mr. Halfpenny deemed it very proper action for the Board to take in making a demand on the railroad company to protect the crossings, and asked that Lawrence street also be included in the request to be made.

Harry L. Osborne suggested that the Board of Trade take action toward securing an appropriation of money placed in the town financial budget for sidewalk purposes. Mr. Osborne's object is to seek a restoration of the former custom of dividing the expense of flagstone sidewalks between the town and property owners.

The President of the Board was authorized to appoint a committee of five members to arrange for the annual banquet.

Elks Fair.

A three nights fair and entertainment under the auspices of Bloomfield Lodge, No. 788, Benevolent and Protective Order of Elks, will open Wednesday night in Central Hall and continue Thursday and Friday nights. Wednesday night will be known as Orange and East Orange night and Thursday night as Montclair night. A large array of articles have been secured and will be on sale. There will be amusing entertainments each evening and numerous other attractions.

The Committee of Arrangements consists of Dr. J. C. Sallie (Chairman), Noah Hampson, Wm. Johnson, Samuel J. MacDonald, A. Bitterer, John F. Dillon, M. Snyder, N. Duggan, F. C. Bucher, Harry Z. Stryker, Charles F. Hummel, John Standford, A. J. Couse, R. E. Day and George Hummel.

The members of the Ladies' Committee are: Mrs. J. C. Sallie, chairman of all committees; Mrs. Snyder, assisted by Mrs. Stryker, candy booth; Mrs. Daniel Schieleh, refreshments; Mrs. Noah Hampson, cake; Mrs. Berweller, fancy articles; Mrs. Wm. Parling, bric-a-brac; Mrs. Hummel, miscellaneous booth; Mrs. Nettman, cigar booth; Miss Kate Sallie, flower booth. The proceeds of the fair go to the charity fund of the lodge.

Sudden Death.

Jacob Trautetter, 43 years of age of 227 Franklin avenue, dropped dead at the kitchen of Frederick Wagner's home at 63 Mill street, Saturday morning, while talking to Mrs. Wagner about the purchase of some chickens. Death was instantaneous and due to heart failure.

Trautetter was apparently in the best of health before and was laughing and joking with a friend just before his death. County Physician Washington was notified, and Undertaker Charles A. Keyler removed the body to the home of the deceased. He is survived by a widow and five children.

Firehouse Ordinance Adopted.

The Town Council on Monday night passed to final reading an ordinance authorizing the issue of town bonds to the amount of \$25,000 for the construction of firehouses. Before the debate on the firehouse ordinance began, Councilman Farrand, Chairman of the Fire Committee, stated that Councilman Walker had obtained an option in writing for the Bloomfield avenue property on which it is proposed to erect the combination firehouse. The option was read by Clerk Johnson, and Town Attorney Halfpenny, in reply to an inquiry from the Fire Committee, said that it was a binding agreement. The fact that the option expired on April 1, was commented upon, but Mr. Walker assured the Council that if plans were not in such shape as to complete the transaction on that date a reasonable extension of time would be allowed.

Later on in the Council proceedings Mr. Farrand announced that he had a resolution to submit to the Council concerning fire matters, but before it was acted upon he considered it advisable to have the Town Attorney make searches of the titles of the properties that it was proposed to purchase, and he offered a motion to that effect.

Councilman Harrison took issue with Mr. Farrand and opposed any further delay in the matter of adopting the firehouse ordinance.

Mr. Walker offered a substitute for Mr. Farrand's motion to the effect that the ordinance be passed to second reading. Dr. Harrison seconded Mr. Walker's substitute.

Councilman Moore said that there was nothing in the ordinance that conflicted with proceeding with the searches. Mr. Moore said there was no reason for any further delay in the firehouse business. The buildings, he was sure, could be erected for the sum named in the ordinance, and perhaps less.

Mr. Farrand disclaimed any intention of delaying the firehouse project. He simply wanted to proceed with proper caution and safety. Such items of cost as acquiring titles to properties and architects' fees, and also estimates of the cost of buildings should, in Mr. Farrand's opinion, be definitely settled before proceeding to pass an ordinance stipulating a fixed sum for work that was problematical in cost.

Mr. Moore was confident that the Council would be able to keep the cost within the sum named in the ordinance and provide for all preliminary expenses. The ordinance was adopted by a vote of 5 to 3, Messrs. Farrand and Chabot voting in the negative.

Death of Augustus Bleecker.

Augustus Bleecker died at his home, No. 86 Oakland avenue, last Saturday, after an illness of three months. Death was due to old age. Mr. Bleecker came from the old New York family of that name, and was born at Scarsdale, Westchester county, N. Y., in 1818. For twenty years he had been at the head of the firm of Augustus Bleecker & Sons, at No. 48 South street, New York city. For the past nineteen years he had resided here, where he was well known and highly respected. He was a member of Christ Episcopal Church, and was formerly a vestryman. He is survived by a widow and four sons as follows: Sherbrooke P. Bleecker, Rev. P. McD. Bleecker, rector of Christ Episcopal Church at Schenectady, N. Y.; Chas. P. Bleecker and Leonard A. Bleecker, the first and last named being members of the firm. Funeral services were held on Tuesday from the Church of St. James the Less, at Scarsdale. Mr. Bleecker was the last surviving original vestry man of that church.

Dogs Kill Many Chickens.

Two dogs killed a number of chickens belonging to residents of Orchard street early Sunday morning. They entered the henry of Frederick Moore and destroyed twenty-five choice fowls. Mr. Moore saw them leaving and fired two shots from his gun at them, and it is believed he wounded one of them.

The dogs next entered Thomas B. Mitchell's yard and killed every one of his chickens, numbering almost one hundred.

At B. J. Fuller's place they also played havoc among his chickens. No one knows to whom the dogs belong. An effort will be made by the owners of the chickens to get redress from the town.

Free Scholarship Notice.

The Drake Business College of Orange will hold a competitive examination Saturday, March 26, open to the young men of Bloomfield, for the purpose of awarding a free scholarship good for three months' tuition in any department. This contest is open to all young men residing in Bloomfield, and between the ages of 16 and 20 years.

Notice of intention to compete must be received on or before March 19th. The scholarship will be awarded to the one attaining the highest average in Arithmetic, Spelling and Grammar, and is good for three months' tuition in any department.

Inquiries in regard to the above are earnestly solicited, and any further information will be cheerfully given.—Adv.

PROPERTY ASSESSMENTS.

HARRY WHITE TAKES ISSUE WITH "THE CITIZEN."

In regard to the Work of the Municipal Board of Taxation—Comparison of Assessments Throughout the Town—Wants the Entire Duplicate Published.

TO THE EDITOR OF THE CITIZEN:

SIR: I have been a reader of your paper for a good many years, and have been particularly interested and pleased with many articles on town matters which have occasionally appeared in your editorials, and seldom have I had any thought to differ with you. However, we must not expect to agree at all times. We make mistakes in the eyes of our brethren, and some people may find fault with this letter, but any way I feel that you are doing an injustice to the few people who have carried their grievances against the tax assessors' office to the State Board of Taxation.

In your issue of February 27, and under the head of "State Board of Taxation," you seem to imply that the individuals who had taken their grievances to the State Board were trying to shirk their personal responsibilities and throw the burden upon their fellow-citizens. Now as one of the unfortunate appellants who have felt that justice had not been done, I want to say that such an inference is not correct, as all that is sought after is a just assessment and in accordance with other properties. You charge that if the State Board removes an item from an individual it must be added to the general burden in some other way. This, of course, is true enough, but would it not be better to load the burden on the town in general than unjustly load it on an individual?

That mistakes have been made by the Tax Assessors or Tax Assessor—I make this distinction because I am doubtful in this instance of using the plural—is known, but we say that it is against human nature to expect a property-owner who finds his property assessed for less than what he knows in his own heart that it should be assessed for to come before the State Board, or any other board for that matter, and make it known. No matter how righteous he may think he is, he will seldom do so. Admitting, however, that there have been cases where conscience-stricken individuals have paid their just debts by tacking codicils to their wills in the hope of attracting the Good Master, when they have heard the sound of Gabriel's trumpet.

There are chances for some such cases to crop up in this town if the figures which have been brought to my attention are correct, and the town should have a good many legacies bequeathed to it if the proper spirit of "Do unto others as you would that they should do unto you," takes a hold. However, if I should not appeal to the State Board, who then should I go to, if the Tax Assessor unjustly loads a larger percentage of the town's burden on me than on others? You admit that the local Board of Appeals is likely to become a nonentity in the matter of tax appeals, and judging from what has been done in that office, I think you are about right. Has anybody ever obtained redress there without the approval of the assessor?

Then, let me ask, will the Town Council take the matter up? Will the man who it has long been said protect the mayor's chair in the tax office take it up? In fact, the individual knicker has not a ghost of a show. His neighbor will not bother, because he is afraid of a higher assessment being forced upon him. So you see, Mr. Editor, that unless the overburdened individual can reach that part of the assessor where his heart beats the warmest, he has no other alternative than to go to the State Board, and if he is unsuccessful there, try again. Can you blame him? The assessor swore before the State Board that the valuations had been made on a basis of 75 per cent. of the true value. This, of course, fitted the valuation placed upon a price of property which was then under consideration; but is this true in general?

I am told that such valuations are made like this: Property marketable at \$4,000, valued by the assessor for taxing purposes at \$1,450; new property costing \$4,500, valued for taxing purposes at \$1,750; new property costing over \$5,000, valued for taxing purposes at \$2,600; new property costing \$1,500, valued for taxing purposes at \$1,350; property costing \$2,700, valued for taxing purposes at \$2,200; land held at \$100 per foot, valued for taxing purposes at \$50 per foot; valued for taxing purposes at \$5 per foot; a choice corner plot, 250 by 185 feet, where adjoining land on the 220-foot side is selling at \$20 per foot—this land is valued on the 185 foot side for taxing purposes at less than \$10 per foot, or \$1 per foot where it joins that sold at \$20 per foot. It is good value at \$5 per foot more than the ad-

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